



AD-HOC POLICY COMMITTEE
Report No. 24-003

08 February 2024

**PROPOSAL OF NEW POLICY P.149.GOV PREGNANCY AND
PARENTAL LEAVE (BOARD TRUSTEES)**

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PURPOSE:

1. To seek input on the proposed draft of new Policy P.149.GOV Pregnancy and Parental Leave (Board Trustees).

STRATEGIC LINKS:

2. The creation of new policies and the revision of existing policies helps support the goals and objectives within the 2023-2027 Strategic Plan. Specifically, the policy creation and review process aligns with good governance practices under the Social Responsibility pillar and the OCDSB's commitment to well-being.

CONTEXT:

3. In May 2017, amendments to the *Education Act* mandated that school boards permit trustees to take pregnancy or parental leave for up to 20 weeks without requiring authorization from the board. Consequently, if a member takes such leave and misses three consecutive regular board meetings within the 20-week, their seat would not be declared vacant.

Specifically, the amendments state the requirement of “every school board to adopt and maintain policies with respect to pregnancy leaves and parental leaves of members of the board. Section 228 of the Act currently sets out circumstances where a member of the board’s seat becomes vacant. A new subsection 228 (2.1) is added to provide that s.228(1)(b) does not apply to vacate the office of a member of a board who is absent for 20 consecutive weeks or less if the absence is the result of the member’s pregnancy, the birth of the member’s child or the adoption of a child by the member.”

The Ontario Public School Board’s Association (OPSBA) provided a policy template to assist in the creation of a policy specific to Trustee Pregnancy and

Parental Leave. Staff used this template and conducted a scan of other school board policies to help inform the draft policy, attached as Appendix A.

KEY CONSIDERATIONS:

4. OPPSBA Recommendations

The OPSBA template makes suggestions as to the policy content to ensure alignment with the *Education Act*.

OPPSBA suggests that the policy should articulate the following:

- Notice - The Trustee will notify the board as soon as reasonably possible to inform it regarding an upcoming leave.
- Purpose - The Trustee will indicate the purpose for the leave: trustee pregnancy, birth of a member's child or the adoption of a child by the member.
- Timing- The Trustee will provide an expected date the leave is to begin and conclude provided the leave does not exceed 20 consecutive weeks and begins no later than the date of a third consecutively missed regular board meeting.
- Validation - The Trustee will provide relevant medical documentation (this could include medical certificates confirming pregnancy, proof of birth date, or adoption agency statements).
- Reimbursement -
 - Trustee Honoraria for base and enrolment amounts continue to be provided during the leave period. (If the member is a chair or vice-chair of the board will the member continue in that position? How will the honoraria for those positions be handled?)
 - Relevant Trustee expenses will continue to be reimbursed (i.e. cellphone, computer).
- Access to Information - The Trustee will continue to receive board-related material and have access to information during the leave.
- Participation and Community Awareness - The Trustee will also consider the following:
 - Whether or not she/he will continue to participate in board/committee meetings either in person or via electronic means;
 - How she/he intends to notify her/his community about their leave and how the community will be supported during the leave.

5. Pregnancy Loss

With the recent addition of miscarriage, termination, or stillbirth as cases considered for Canadian EI benefits and leaves, the Board may wish to consider language to support this through within the new Policy.

6. Approval of other Types of Leave

The *Education Act* amendments of 2017 granted Trustees allowances for pregnancy and parental leaves, eliminating the requirement for a formal request by the Trustee and approval by the Board. While the Board could potentially expand this policy to encompass other types of leave, such a broad approach may be problematic and difficult to manage. Therefore, staff suggest other types of leave be reviewed on a case-by-case basis.

RESOURCE IMPLICATIONS:

7. There are no costs associated with the consultation of the Policy. The Policy outlines that during the leave period, trustees will continue to receive their honorariums and attendance payments for statutory committee participation if they are still attending. Additionally, Trustee expenses will be reimbursed in alignment with Board policies.

COMMUNICATION/CONSULTATION ISSUES:

8. The proposed draft will be posted to the District website and awareness will be raised on this consultation through parent/guardian, student, and school council communications. Feedback from the public will be received between 02 February 2024 and 08 March 2024.

GUIDING QUESTIONS:

- Has this Policy captured a reasonable practice for Trustee pregnancy and parental leave?
- Have we covered all equity considerations, especially accessibility for Board meetings and inclusivity in defining cases of pregnancy and becoming a parent?
- Are there any unintended consequences to this Policy, especially contradictions in OCDSB policies, procedures, and/or by-laws?
- Does this new Policy allow for a simple application of the Act's requirements?

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APPENDICES

Appendix A - Draft Policy P.149.GOV Pregnancy and Parental Leave (Board Trustees)